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SECURITY COUNCIL COMMITTEE ESTABLISHED
BY RESOLUTION 661 (1990) CONCERNING
THE SITUATION BETWEEN IRAQ AND KUWAIT

NOTE VERBALE DATED 14 JANUARY 1991 FROM THE PERMANENT MISSION OF BURKINA FASO TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

The Permanent Mission of Burkina Faso to the United Nations presents its compliments to the Secretary-General and has the honour to transmit the reply of the Government of Burkina Faso to the questionnaire concerning the implementation of Security Council resolution 661 (1990).

Annex

Reply to the questionnaire concerning national measures to implement Security Council resolution 661 (1990)

Owing to geographic and historical factors, trade and financial relations between Burkina Faso and Iraq are still very undeveloped. Accordingly, there is practically no danger of a breach of Security Council resolution 661 (1990) by the State or private citizens of Burkina Faso.

The authorities of our country therefore do not deem it necessary to take any special legislative or administrative measures to ensure the implementation of the resolution.

In the field of trade, the offices of the Ministry of Commerce and People's Supply, specifically the Department of Foreign Trade, exercises strict control over the import and export of goods. To date, no permit for the export or import of goods to or from Iraq or Kuwait has been issued and, in addition, no request to this effect has been made.

With regard to the control of financial or economic resources, new article 2 of Order No. 84-083/CNR/PRES of 26 December 1984, amending Order No. 67-36/PRES of 29 June 1967, which regulates in Burkina Faso financial relations with foreign countries, stipulates that "except in respect of gold, on the export of which the State of Burkina Faso exercises a monopoly, financial relations between Burkina Faso and foreign countries are free".

Nevertheless, in order to protect national interests, the Head of State may, through a decree enacted by the Council of Ministers, impose any restrictions on this freedom in accordance with the international commitments undertaken by Burkina Faso.

All financial operations with foreign countries [defined as all countries that are not members of the franc area, which comprises France, its territories and departments; the member countries of the West African Monetary Union (Benin, Burkina Faso, Côte d'Ivoire, Mali, Niger, Senegal and Togo); those of the Central African States Development Bank (Cameroon, Central African Republic, Chad, Comoros, the Congo, Equatorial Guinea and Gabon)] are subject to prior authorization by the Minister of Finance or, acting on his authority, the Central Bank of West African States. Since Iraq and Kuwait are non-member countries of the franc area, the transfers of financial or economic resources covered by resolution 661 (1990) falls within the purview of the above-mentioned provisions.

In respect of specific measures taken to prevent unauthorized movements of funds in contravention of Security Council resolution 661 (1990), it should be stressed that such measures have not been considered necessary since the aforementioned provisions are sufficient to prevent any such movement.

With regard to enforcement measures taken by Burkina Faso to prevent breaches of resolution 661 (1990) by individuals or companies, reference could be made to article 3 of Act AN-VI-0022/FP/PRES of 30 January 1989, which provides that: "Whoever contravenes or attempts to contravene the measures taken (in application of article 2 above) by failing to comply with the obligations concerning a declaration or repatriation, by not observing the procedures laid down or required formalities, by not obtaining the necessary permits or by not fulfilling the conditions accompanying such permits, shall be punished by the penalty of imprisonment for three (3) months to three (3) years and confiscation of the property seized together with a fine equivalent to at least half of or at most double the amount of the sum involved in the offence or attempted offence or only one of these two penalties ...".

These provisions apply to both individuals and bodies corporate.

Accordingly, our country has not encountered and is not encountering any particular difficulty in ensuring national implementation of Security Council resolution 661 (1990).